

A cartoon illustration of a sloth, colored in shades of olive green and brown. The sloth is positioned on the left side of the slide, with its head tilted back and its mouth open, as if it is speaking. Its large, expressive eyes are looking towards the viewer. A large, black, oval-shaped speech bubble originates from the sloth's mouth, containing the main title of the presentation.

HIPAA Privacy: What every  
staff member needs to know

# Goals of Training



- ▶ To tell you about things that you hear or see at work that you **MUST KEEP PRIVATE**
- ▶ To tell you what your job is in helping this facility follow privacy rules
- ▶ To tell you who you should ask when you are not sure if something is private or not
- ▶ To tell you what you should do if you see or hear someone else not keeping somebody's business private
- ▶ To tell you what will happen to you if you don't keep information private
- ▶ It's important to keep people's business private. It's the right thing to do!

# What is HIPAA?

- ▶ Health Insurance Portability and Accountability Act of 1996 – a Federal Law
  - ▶ Portability
  - ▶ Accountability
  - ▶ Privacy: **EFFECTIVE APRIL 14, 2003!!!**



# The DMH Service Delivery System is now an...

► *Organized Health Care Arrangement*



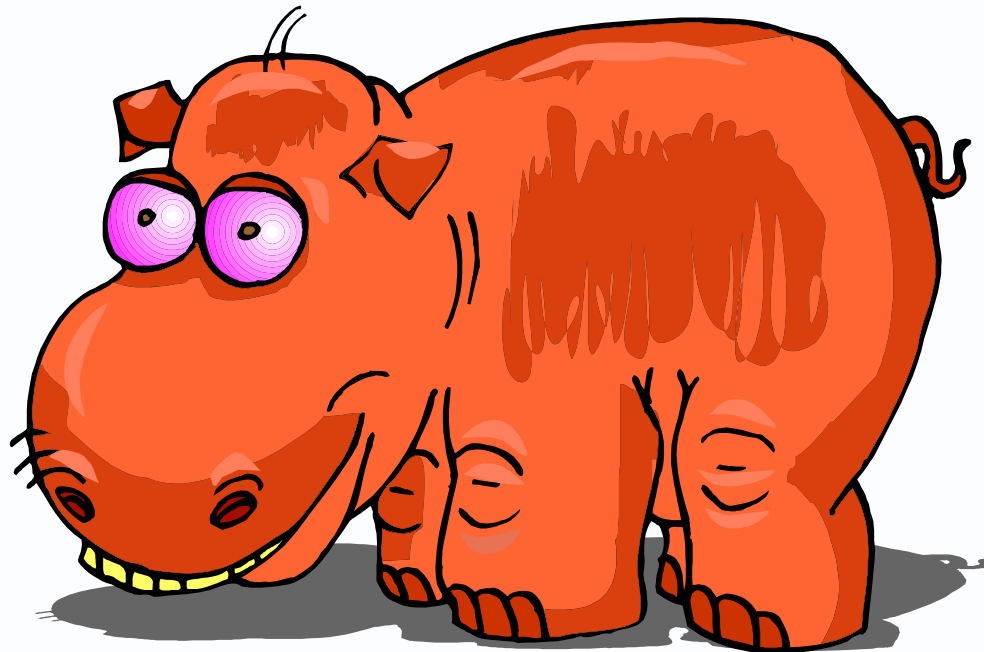
# HIPAA KEY TERMS

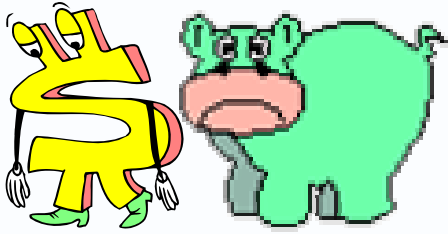
- ▶ Use
- ▶ Disclose
- ▶ Consent
- ▶ Authorization



# Privacy

## Why the concern?





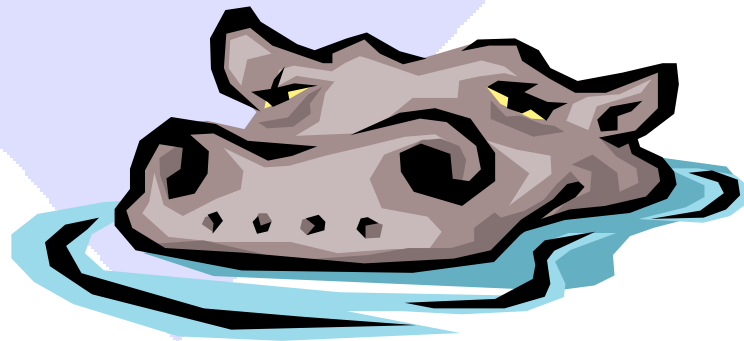
# HIPAA Enforcement

## What are the punishments for telling someone's private business?

- ▶ \$100 fine per person (civil)
- ▶ *You* can be **personally** liable!
- ▶ Or, some people have to go to jail if they break the rules, or pay even more money.

# HIPAA Enforcement Continued

- ▶ The new HIPAA law applies to ALL forms of communication – even ORAL.

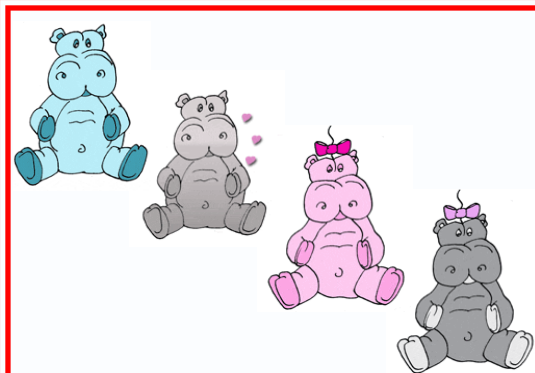




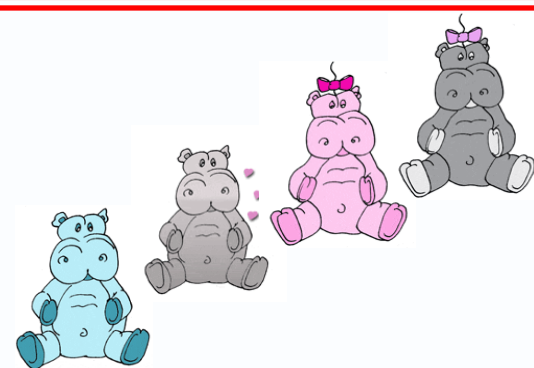
# HIPAA Requires DMH to.....

- ▶ Have Department Operating Regulations  
It's a rule for how things are done.





# Private things



- ▶ Name/Address
- ▶ Employer
- ▶ Names of Relatives
- ▶ DOB/SSN
- ▶ Telephone number/
- ▶ Account number
- ▶ Occupation
- ▶ Diagnosis
- ▶ Treatment services and procedures

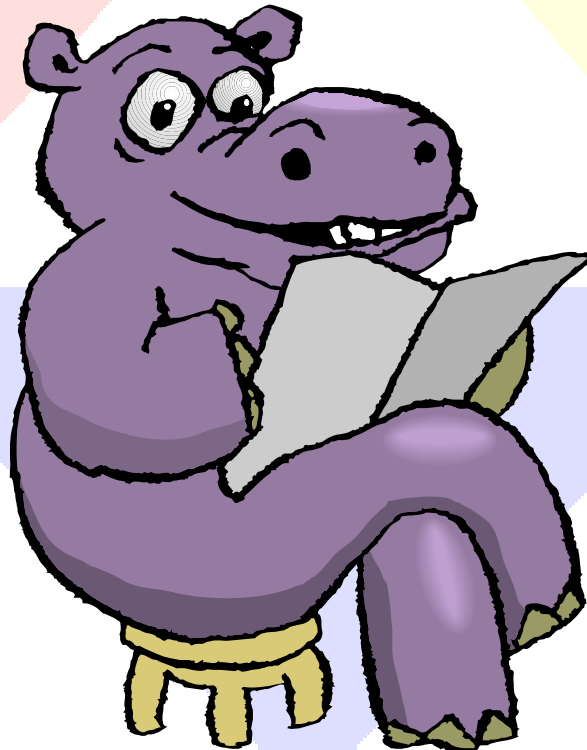
# Where do we find PHI?

- ▶ Charts or medical records
- ▶ In paper that needs shredding
- ▶ On the computer
- ▶ In people's offices



# Case Situations

- ▶ What do you think should be done?





# How Can You Protect Private Information



- ▶ Don't talk in halls or restaurants
- ▶ Don't talk so loud that other people can hear you
- ▶ Don't leave medical records where others can see them or access them
- ▶ Keep medical test results private
- ▶ Don't share PHI in public
- ▶ If you are cleaning someone's office and you see charts or files, don't read it.

# “Need to Know” Principles

- ▶ How much do you need to know?
- ▶ How much do other people need to know?



# Privacy DORs

- ▶ HIPAA Department Operating Regs
  - ▶ found in Chapter 8
- ▶ DORs can also be found at **dmhonline**



# HIPAA DORs

- ▶ Notice of Privacy Practices (8.005)
- ▶ Consumer Amendment of PHI (8.010)
- ▶ Restrictions (8.020)
- ▶ Access (8.030)
- ▶ Staff Access to PHI (8.040)
- ▶ Authorization to Disclose (8.050)
- ▶ Accounting of Disclosures (8.060)
- ▶ Verification (8.070)
- ▶ Field Practices (8.080)
- ▶ Training (8.090)







# HIPAA Requires...

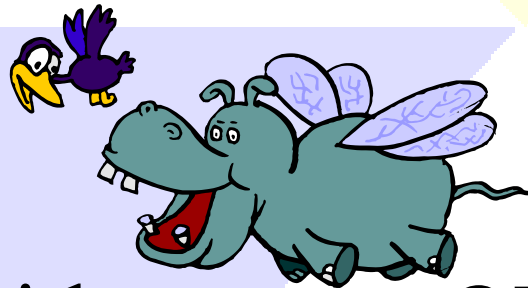
## ▶ **Notice of Privacy Practices (DOR 8.005)**

- ▶ *We have to let you know when we share your health information with someone else*
- ▶ Must be written in plain language
- ▶ Must be provided at the time of first service or assessment for eligibility

# HIPAA Consumer Protections

## ▶ **Amendment (DOR 8.010)**

- ▶ You can request to change information in your medical records
- ▶ That request may be made to the facility Privacy Officer



- ▶ DMH facility may either *grant* OR *deny* the request

# HIPAA Consumer Protections

## ► Restrictions (DOR 8.020)

- You can request certain parts of your health information not be shared with others
- Facility is NOT required to accept the request
- If restriction is accepted, then DMH has to follow it



# HIPAA Consumer Protections

## ▶ Access (DOR 8.030)

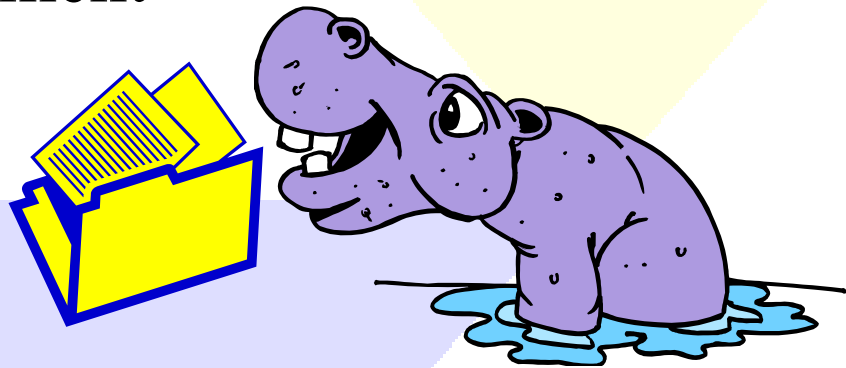
- ▶ You can request to see
- ▶ Or copy your information



- ▶ Request for access MUST be in writing
- ▶ *If access is denied*, you may have a reason for appeal if it is not safe for you to look at your information
- ▶ Consumer must appeal to facility Privacy Officer

# HIPAA PHI Protections

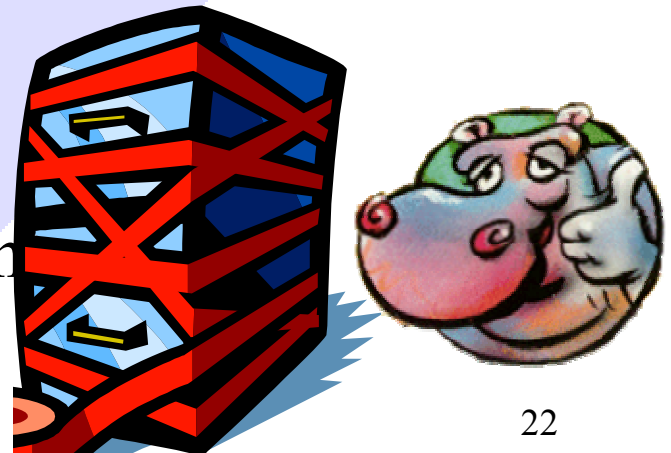
- ▶ **Staff Access to PHI (DOR 8.040)**
  - ▶ Staff, students or volunteers have to sign a confidentiality agreement



# HIPAA Disclosure Protections

## ▶ **Authorization (DOR 8.050)**

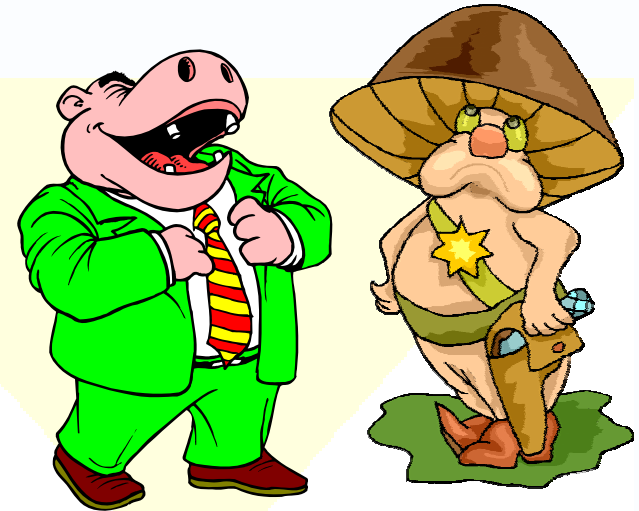
- ▶ You have to give your permission for certain people outside of DMH to see your health care information
- ▶ You must be specific:
  - ▶ What PHI is to be shared
  - ▶ With whom
  - ▶ For what purpose
- ▶ You may revoke your permission



# When **No** Authorization Is Needed...

## ▶ Key examples:

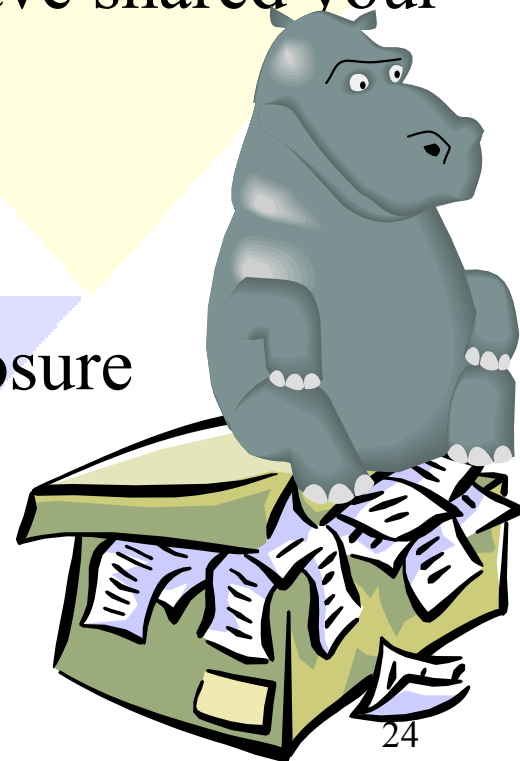
- ▶ Child abuse/neglect reports
- ▶ Court Orders us to share
- ▶ If police need certain information
- ▶ To help keep someone else safe
- ▶ Others



# HIPAA Consumer Protections

## ▶ **Accounting of Disclosures (DOR 8.060)**

- ▶ You can ask us to tell you who we have shared your information with for:
  - ▶ Time frame: 6-year period
  - ▶ Clock *starts*: April 14, 2003
- ▶ Applies to both verbal and oral disclosure





# HIPAA Consumer Protections

## ► Verification (DOR 8.070)

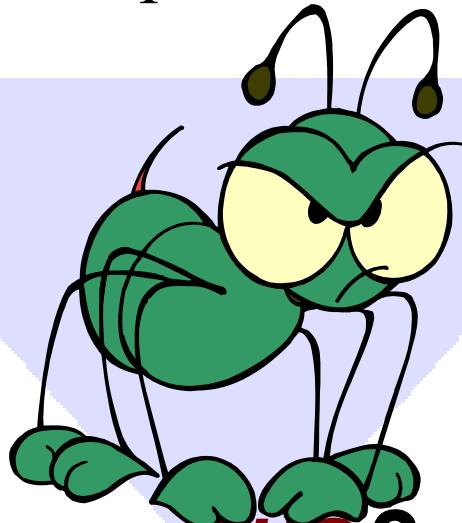
- Facility must verify that
  - Person or agency requesting the PHI
  - Is who they say they are



# HIPAA Consumer Protections

## ► Complaint Procedure

- ▶ Allows you to file a complain if you believe we have improperly used or disclosed your PHI
- ▶ You can file that complaint with the facility Privacy Officer

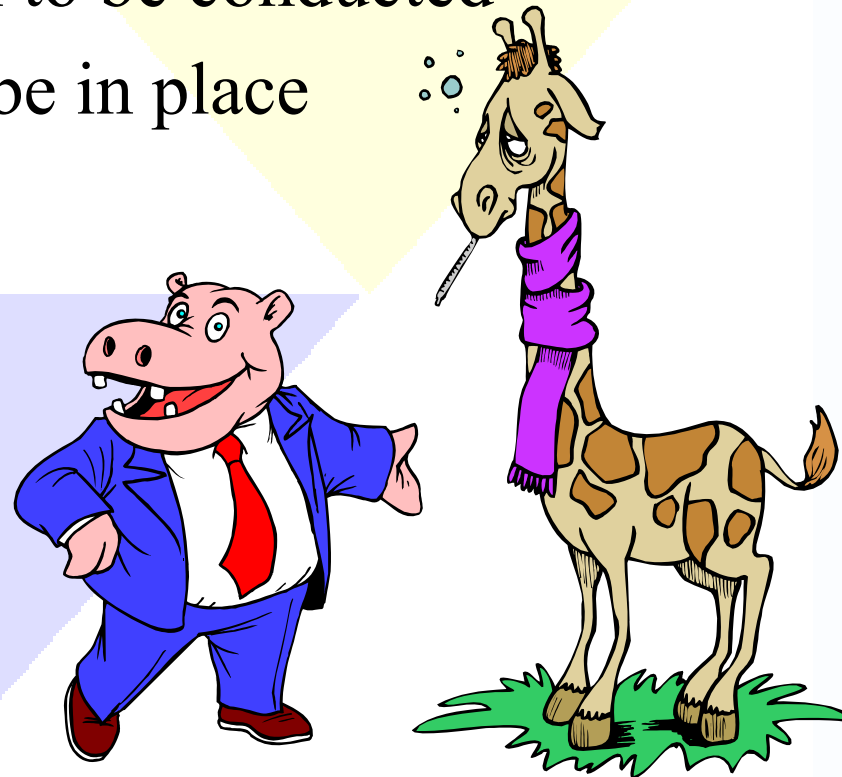


Got a **BUG**?

# WHAT ELSE DOES HIPAA REQUIRE?

## ► Research

- HIPAA still allows research to be conducted
- Proper authorizations must be in place





# QUESTIONS?

- ▶ If you are ever in doubt, **always** ask your Privacy Officer or their designee!

# Key Things to Remember about Privacy



- ▶ We must all protect consumer records
- ▶ Share only information necessary for people to do their jobs
- ▶ Consumers have the right to ask about use and disclosure of PHI
- ▶ DMH has DOR's on HIPAA and you need to know them and follow them

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## Security: Integration with HIPAA Privacy

# General Security Awareness

- ▶ Security (protecting the computer system and the information it contains) includes
  - ▶ Computer equipment,
  - ▶ personnel policies,
  - ▶ disaster preparedness,



# Purpose of Security

- ▶ To protect the system and information from unauthorized access
- ▶ To protect the system and information from unauthorized misuse





# General Security Awareness

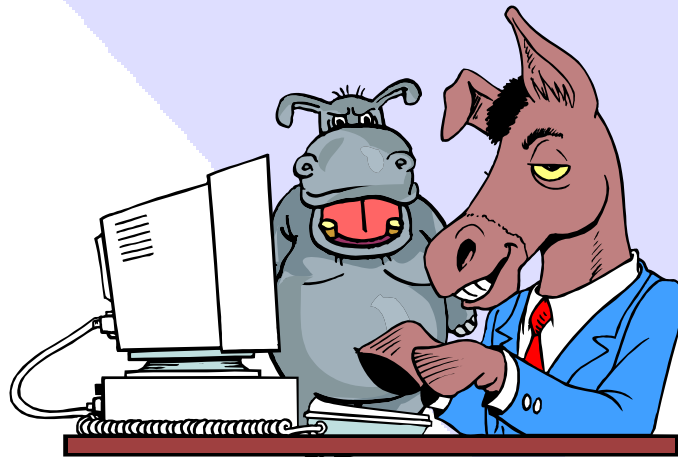
## ▶ Building\Physical Security

- ▶ Building\Work Area Sign-in
- ▶ Locks and Keys
- ▶ Badges\ID
- ▶ Security Officer
- ▶ Printers\Copy\Fax Machines



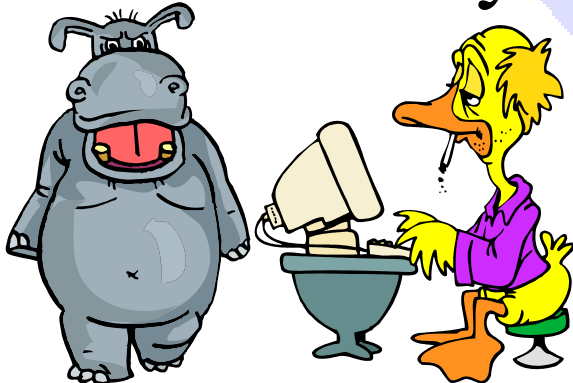
# General Security Awareness

- ▶ Computer\Electronic Security
  - ▶ Computers
  - ▶ Location of PCs
  - ▶ E-mail



# Password Management

- ▶ When you have a special Password:
  - ▶ Don't tell anyone your password.
  - ▶ Don't write your password down anywhere
  - ▶ Change password if others know it
  - ▶ Pick one you can remember



# Key Things to Remember about Security

- ▶ Security impacts privacy
- ▶ Both building and computer security are important

